

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

2018 JAN -4 PM 4:46

CLERK OF COURT *etj*

CQUENTIA SERIES, LLC and
HTG SERIES, a series declared by
CQUENTIA SERIES, LLC

Plaintiffs,

v.

CHANNEL (H), INC. and
ROBERT CAPELLI,

Defendants.

Case No.: 4:17-cv-00919-A

State Court Cause No.: 348-295398-17

ORIGINAL

**APPENDIX IN SUPPORT OF DEFENDANTS' RESPONSE AND BRIEF IN
OPPOSITION TO PLAINTIFFS' MOTION TO REMAND**


Defendants Channel (H), Inc. ("Channel H") and Robert Capelli ("Capelli") (collectively "Defendants"), by and through their undersigned counsel, hereby files this Appendix in support of their Response and Brief in Opposition to Plaintiffs' Motion to Remand.

Document No.	Document	Appendix Pages
1	Declaration of Robert Capelli	3-10

Dated: January 4, 2018

Respectfully submitted,

By:


MARGARET HORTON APGAR
THE APGAR FIRM, PLLC
State Bar No. 24036805
1914 Skillman Street, Suite 110-150
Dallas, Texas 75206
(214) 707-2791 (Phone)
(214) 279-6050 (Fax)
margaret@apgarfirm.com

Attorneys for Specially Appearing Defendants

Of Counsel:
Brett E. Lewis
(*pro hac vice* forthcoming)
Justin Mercer
(*pro hac vice* forthcoming)
Lewis & Lin, LLC
45 Main Street, Suite 608
Brooklyn, New York 11201
Tel. (718) 243-9323
brett@ilawco.com
justin@ilawco.com

CERTIFICATE OF SERVICE

I hereby certify that on January 4, 2018, I served the following attorneys of record in accordance with the Federal Rules of Civil Procedure, including via email and electronic service:

Rafael C. Rodriguez
rrodriguez@winstead.com
WINSTEAD PC
300 Throckmorton Street, Suite 1700
Fort Worth, Texas 76102
Telephone: (817) 420-8200
Facsimile: (817) 420-8201

Bill Warren
bill.warren@kellyhart.com
KELLY HART & HALLMAN LLP
201 Main Street, Suite 2500
Fort Worth, Texas 76102
Telephone: (817) 332-2500
Facsimile: (817) 878-9280


MARGARET HORTON APGAR

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

CQUENTIA SERIES, LLC AND
HTG SERIES, a series declared by
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CAPELLI,

Defendants.

Case No.: 4:17-cv-00919-A

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**DECLARATION OF
ROBERT CAPELLI**

I, Robert Capelli, declare under penalty of perjury under the laws of the United States of America that the following is true and correct:

1. I am the Chief Executive Officer of Plaintiff Channel (H), Inc. ("Channel (H)"). I make this declaration in support of Channel (H)'s Opposition to Plaintiffs' Joint Motion to Remand. I have personal knowledge of all matters stated herein, or I am familiar with the facts and circumstances of the instant action based upon records and files maintained by Channel (H), or upon publicly-available and generally verifiable records. If called as a witness could and would testify to the matters set forth herein.

2. I am aware that Plaintiffs' claim that I am a resident of California. This is not correct. Although I lived in California from 1998 to 2015, I moved to Amesbury, Massachusetts in August 2015.

3. At the time of the removal of this action on November 15, 2017, I was residing in Amesbury, Massachusetts, as my full-time, permanent residence and domicile.

4. A true and correct copy of my driver's license is annexed hereto as **Exhibit A**.

5. A true and correct copy of a recent bill, which displays my address is annexed hereto as **Exhibit B**.

6. Alan Meeker communicated to me that the UCSD account was worth over \$150 million over five years. Plaintiffs licensed Channel (H)'s preauthorization software solution to service the UCSD account, and have admitted to replacing Channel (H)'s "preauthorization software solution" with their own "preauthorization software solution." [Pet., ¶ 24]. A true and correct copy of an email from Alan Meeker to Robert Capelli, dated July 1, 2017, is annexed hereto as **Exhibit C**.

Dated: January 4, 2018
Amesbury, Massachusetts


DocuSigned by:

3EE2A1D095A2453...
ROBERT CAPELLI

Exhibit A

MASSACHUSETTS

DRIVER'S LICENSE

USA

4d NUMBER

4a ISS
05/12/2017

3 DOB

2021

9a END

NONE

12 RES

NONE

1 CAPELLI
2 ROBERT EUGENE

8

AMESBURY, MA 01943

15 SEX M 16 HGT 5'-10"

5 DD
Rev 07/2016

And Co.

Ch. L. Dwyer

Exhibit B



ANNA JQUES HOSPITAL

24 Morrill Place Amesbury, MA 01913



Exhibit C

From: **Alan Meeker** <alan@cquentia.com>
Date: Sat, Jul 1, 2017 at 1:04 AM
Subject: Contact
To: "robert@channelh.co" <robert@channelh.co>

Robert

Just you and me here.

May we please have transparency here? Our UCSD account is worth in excess of \$150million over the next 5 years. If we are going to miss a go live target, that's ok, we just need to set people's expectations.

Please contact Kenny soonest.

Regards,
D. Alan Meeker
Chief Executive Officer



cid:image002.png@01D0DB70.E061

4770 Bryant Irvin Court, Suite 300
Fort Worth, Texas 76107
Telephone – 682-200-3028
Facsimile – 817-887-1269
Cellular - 817-307-2525
www.cquentia.com

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